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Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 126

An Act to amend the Drug and Pharmacies Regulation Act

Mr. M. Harris

Private Member's Bill

1st Reading April 27, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Drug and Pharmacies Regulation Act* to prohibit a person from possessing or using designated pharmaceutical equipment unless the person is a pharmacist or a person acting under the supervision of a pharmacist and, if the person uses the equipment, is using the equipment in a pharmacy for which a certificate of accreditation has been issued. Designated pharmaceutical equipment is defined as a pill or tablet press, a tablet machine, a capsule filling machine, a pharmaceutical mixer or a tablet punch or die, subject to the qualifications, if any, that are specified by the regulations made under the Act, and any other equipment that is specified by the regulations.

An Act to amend the Drug and Pharmacies Regulation Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Subsection 1 (1) of the *Drug and Pharmacies Regulation Act* is amended by adding the following definition:

“designated pharmaceutical equipment” means a pill or tablet press, a tablet machine, a capsule filling machine, a pharmaceutical mixer or a tablet punch or die, subject to the qualifications, if any, that are specified by the regulations, and any other equipment that is specified by the regulations; (“matériel pharmaceutique désigné”)

2 The Act is amended by adding the following section:

Designated pharmaceutical equipment

144.1 (1) No person shall possess designated pharmaceutical equipment unless the person is a pharmacist or a person acting under the supervision of a pharmacist.

Same, use

(2) No person shall use designated pharmaceutical equipment unless,

- (a) the person is a pharmacist or a person acting under the supervision of a pharmacist; and
- (b) the person uses the equipment in a pharmacy for which a certificate of accreditation has been issued under section 139.

Exemption

(3) A person is exempt from subsections (1) and (2) if the person is,

- (a) a person authorized to manufacture or compound drugs under an Act of Ontario or Canada; or
- (b) a person who is designated by the regulations as so exempt.

3 Subsection 161 (1) of the Act is amended by adding the following clauses:

- (a.1) specifying anything described in the definition of “designated pharmaceutical equipment” in subsection 1 (1) as specified by the regulations;
- (v) designating persons for the purpose of clause 144.1 (3) (b).

4 The Act is amended by adding the following section:

Offence under s. 144.1

165.1 (1) Every person who is convicted of contravening section 144.1 is liable to,

- (a) in the case of a first offence, a fine not exceeding \$200,000 or, if the person is an individual, imprisonment for a term of not more than six months, or both;
- (b) in the case of a second offence, a fine not exceeding \$350,000 or, if the person is an individual, imprisonment for a term of not more than one year, or both; or
- (c) in the case of a third or subsequent offence, a fine not exceeding \$500,000 or, if the person is an individual, imprisonment for a term of not more than two years, or both.

Limitation

(2) No prosecution for an offence under section 144.1 shall be commenced after two years after the day on which the subject matter of the proceedings became known to the Council.

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Illegal Pill Press Act, 2017*.

The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1863. The letter is signed by Abraham Lincoln and is addressed to the Senate and House of Representatives. The letter discusses the state of the Union and the progress of the war against the Confederacy. It also mentions the Emancipation Proclamation and the importance of the Union's victory.

The second part of the document is a letter from the Secretary of the War Department to the Secretary of the Navy, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Navy. The letter discusses the state of the Navy and the progress of the war against the Confederacy. It also mentions the importance of the Navy's victory.

The third part of the document is a letter from the Secretary of the War Department to the Secretary of the Treasury, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Treasury. The letter discusses the state of the Treasury and the progress of the war against the Confederacy. It also mentions the importance of the Treasury's victory.

The fourth part of the document is a letter from the Secretary of the War Department to the Secretary of the Interior, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Interior. The letter discusses the state of the Interior and the progress of the war against the Confederacy. It also mentions the importance of the Interior's victory.

The fifth part of the document is a letter from the Secretary of the War Department to the Secretary of the Education, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Education. The letter discusses the state of the Education and the progress of the war against the Confederacy. It also mentions the importance of the Education's victory.

The sixth part of the document is a letter from the Secretary of the War Department to the Secretary of the Agriculture, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Agriculture. The letter discusses the state of the Agriculture and the progress of the war against the Confederacy. It also mentions the importance of the Agriculture's victory.

The seventh part of the document is a letter from the Secretary of the War Department to the Secretary of the Commerce, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Commerce. The letter discusses the state of the Commerce and the progress of the war against the Confederacy. It also mentions the importance of the Commerce's victory.

The eighth part of the document is a letter from the Secretary of the War Department to the Secretary of the Health, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Health. The letter discusses the state of the Health and the progress of the war against the Confederacy. It also mentions the importance of the Health's victory.

The ninth part of the document is a letter from the Secretary of the War Department to the Secretary of the Religion, dated January 1, 1863. The letter is signed by Gideon Welles and is addressed to the Secretary of the Religion. The letter discusses the state of the Religion and the progress of the war against the Confederacy. It also mentions the importance of the Religion's victory.

Titre abrégé

6 Le titre abrégé de la présente loi est *Loi de 2017 sur les presses à comprimer illégales*.

Loi modifiant la Loi sur la réglementation des médicaments et des pharmacies

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

1 Le paragraphe 1 (1) de la Loi sur la réglementation des médicaments et des pharmacies est modifié par adjonction de la définition suivante :

«matériel pharmaceutique désigné» S'entend d'une presse ou machine à comprimer, d'une machine de remplissage de capsules, d'un mélangeur de produits pharmaceutiques ou d'une compresseuse à poinçon ou à matrice, sous réserve des qualifications éventuelles que précisent les règlements, et de tout autre matériel que précisent les règlements. («designated pharmaceutical equipment»)

2 La Loi est modifiée par adjonction de l'article suivant :

Matériel pharmaceutique désigné

144.1 (1) Nul ne doit avoir en sa possession du matériel pharmaceutique désigné à moins d'être un pharmacien ou une personne placée sous la surveillance d'un pharmacien.

Idem : utilisation

(2) Une personne ne doit utiliser du matériel pharmaceutique désigné que si :

- a) elle est un pharmacien ou une personne placée sous la surveillance d'un pharmacien;
- b) elle utilise le matériel dans une pharmacie pour laquelle un certificat d'agrément a été délivré en application de l'article 139.

Exemption

(3) Une personne est soustraite à l'application des paragraphes (1) et (2) si elle est, selon le cas :

- a) une personne autorisée à fabriquer ou à composer des médicaments en vertu d'une loi de l'Ontario ou du Canada;
- b) une personne désignée par les règlements comme étant exemptée.

3 Le paragraphe 161 (1) de la Loi est modifié par adjonction des alinéas suivants :

- a.1) préciser toute chose qui est mentionnée dans la définition de «matériel pharmaceutique désigné» au paragraphe 1 (1), selon ce que précisent les règlements;

- v) désigner des personnes pour l'application de l'alinéa 144.1 (3) b).

Infraction à l'article 144.1

165.1 (1) Toute personne qui est déclarée coupable d'une infraction à l'article 144.1 est passible :

- a) dans le cas d'une première infraction, d'une amende d'au plus 200 000 \$ ou, si la personne est un particulier, d'un emprisonnement d'au plus six mois, ou de ces deux peines;
- b) dans le cas d'une deuxième infraction, d'une amende d'au plus 350 000 \$ ou, si la personne est un particulier, d'un emprisonnement d'au plus un an, ou de ces deux peines;
- c) dans le cas d'une infraction subséquente, d'une amende d'au plus 500 000 \$ ou, si la personne est un particulier, d'un emprisonnement d'au plus deux ans, ou de ces deux peines.

Restriction

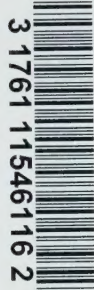
(2) Aucune poursuite pour infraction à l'article 144.1 ne peut être introduite plus de deux ans après la date où le conseil a eu connaissance des éléments constitutifs de l'infraction.

Entrée en vigueur

5 La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

NOTE EXPLICATIVE

Le projet de loi modifie la *Loi sur la réglementation des médicaments et des pharmacies* pour interdire à une personne d'avoir en sa possession ou d'utiliser du matériel pharmaceutique désigné sauf si elle est un pharmacien ou une personne placée sous la surveillance d'un pharmacien et que, si elle utilise le matériel, elle le fait dans une pharmacie pour laquelle un certificat d'agrément a été délivré. Le matériel pharmaceutique désigné est défini comme étant une presse ou machine à comprimer, une machine de remplissage de capsules, un mélangeur de produits pharmaceutiques ou une compresseuse à poinçon ou à matrice, sous réserve des qualifications éventuelles que précisent les règlements pris en vertu de la Loi, et de tout autre matériel que précisent les règlements.



1^{re} lecture 27 avril 2017
2^e lecture
3^e lecture
Sanction royale

Projet de loi de député

M. M. Harris

Loi modifiant la Loi sur la réglementation des médicaments et des pharmacies

Projet de loi 126

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